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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/456,793	12/08/1999	Christopher L. Knauf	MEDIDNA.049A	6923

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EXAMINER

NGUYEN, MAIKHANH

ART UNIT	PAPER NUMBER
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2176

DATE MAILED: 08/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/456,793

Applicant(s)

KNAUFT ET AL.

Examiner

Maikhanh Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 May 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 July 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. This action is responsive to communications: Amendment filed 05/31/2005 to the original application filed 12/08/1999.
2. Claims 1-27 are currently pending in this application. Claims 1-3, 5-14, 16-20, and 22-26 have been amended. Claims 1, 12, 19, and 25 are independent claims.

Specification

3. The disclosure is objected to because it contains an embedded hyperlink and/or other form of browser-executable code for example at paragraph 0045. Applicant is required to delete the embedded hyperlink and/or other form of browser-executable code. See MPEP § 608.01.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 1-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kirsch et al. (U.S. 5,920,857, filed 04/1996) in view of **Applicant Admitted Prior Art** (AAPA).

As to independent claim 19:

- a. Kirsch teaches method of providing index information for secure graphical or audio objects, the method comprising:
- (i) reading index information, wherein the index information is structured for use in an index database of a search engine (*Abstract & col.3, lines 48-64*);
 - (ii) dynamically generating an electronic document based at least in part upon the contents of the index information (*col.4, lines 17-27*); and
 - (ii) transmitting the electronic document to the search engine system (*col.7, lines 28-40 and col.9, lines 1-16*), wherein the index information is structured for use in an index database of a search engine (*Abstract & col.3, lines 48-64*).
- b. Kirsch, however, does not explicitly teach “*reading index information that is associated with a secure graphical or audio object, wherein the index information is structured for use in an index database of a search engine, and wherein the secure graphical or audio object is secure in that the*

search engine system does not have full access to the secure graphical or audio object.”

- c. AAPA teaches reading index information that is associated with a secure graphical or audio object, wherein the index information is structured for use in an index database of a search engine, and wherein the secure graphical or audio object is secure in that the search engine system does not have full access to the secure graphical or audio object (*paragraphs 0008-0009*).
- d. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to include the feature from Turpin in the system of Kovan because it would have allowed unauthorized persons will not have accessed to secured document.

As to dependent claim 20:

Kirsch teaches customizing is based at least in part upon the contents of the index characteristics of one or more the search engine systems (*col.8, lines 10-26 and col.9, lines 16-38*).

As to dependent claim 21:

Kirsch teaches a HyperText Markup Language file (*col.1, lines 29-61*).

As to dependent claim 22:

Kirsch teaches a bitmap image (*col.1, lines 29-44 and Fig.1*).

As to dependent claim 23:

Kirsch teaches the graphical object is a multimedia presentation (*col.1, lines 29-44 and Fig.1*).

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As to dependent claim 24:

Kirsch teaches the graphical object is a stream media file (*col.1, lines 29-44 and Fig.1*).

As to independent claim 1:

The rejection of independent claim 25 above is incorporated herein in full.

Additionally, Kirsch further teaches obfuscating at least a portion of the index information so that the intelligibility of the content of the index information is reduced (*col.10, lines 8-30 and Fig.3*).

As to dependent claim 2:

Kirsch teaches at least a portion of the index obfuscated information (*col.10, lines 8-30 and Fig.3*)).

As to dependent claims 3-5:

They include the same limitations as in claims 20-22, and are similarly rejected under the same rationale.

As to dependent claim 6:

Kirsch teaches music (*col.1, lines 29-44 and Fig.1*).

As to dependent claim 7:

Kirsch teaches identifying one or more words in the lyrics of the music (*col.1, lines 29-44 and Fig.1*).

As to dependent claim 8:

Kirsch teaches a multimedia presentation (*col.1, lines 29-44 and Fig.1*).

As to dependent claim 9:

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Kirsch teaches reading close captioned information that is associated with the audiovisual object (*col.1, lines 29-44 and Fig.1*).

As to dependent claim 10:

Kirsch a streaming media file (*col.1, lines 29-44 and Fig.1*).

As to dependent claim 11:

It includes the same limitations as in claim 9, and is similarly rejected under the same rationale.

As to independent claim 12:

The rejection of independent claims 1 and 19 is incorporated herein in full.

As to dependent claim 13:

It includes the same limitations as in claim 2, and is similarly rejected under the same rationale.

As to dependent claims 14-18:

They include the same limitations as in claim 20-24, and are similarly rejected under the same rationale.

6. Claims 25-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Ambroziak** in view of **Applicant Admitted Prior Art (AAPA)**, and further in view of **Billmers** (U.S. 6,226,630 – filed 07/1998).

As to independent claim 25:

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- a. The rejection of independent claim 19 above is incorporated herein in full. Additionally, claim 25 further recites “*converting at least a portion of a graphical or audio object into index information.*”
- b. The combination of Kirsch and AAPA does not teaches “*converting at least a portion of a graphical or audio object into index information.*”
- c. Billmers teaches converting at least a portion of a graphical or audio object into index information (*col.4, lines 35-45*).
- d. It would have obvious to a person of ordinary skill in the art at the time the invention was made to combine Billmers’s teachings in the system of Kirsch as modified by AAPA because it would have provided the capability for forming an Index Database and a number of Incremental Indices which are searchable by the Search Engine.

As to dependent claims 26-27:

They include the same limitations as in claims 20-21, and are similarly rejected under the same rationale.

Response to Arguments

6. Applicant's arguments filed on 05/31/2005 have been fully considered, but are deemed to be moot in view of the new grounds of rejection necessitated by Applicant's amendments.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Ambroziak	U.S. Patent No. 6,055,526	Issued: Apr. 25, 2000
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Sanu et al.	U.S. Patent No. 6,145,003	Issued: Nov. 7, 2000
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Sanu et al.	U.S. Patent No. 6,145,003	Issued: Nov. 7, 2000
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Steinkraus	U.S. Patent No. 6,363,373	Issued: Mar. 26, 2002
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Ambroziak	U.S. Patent No. 6,460,047	Issued: Oct. 1, 2002
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Tuong Dao, "An Indexing Model for Structured Documents to Support Queries on Content, Structure and Attributes", Copyright 1998 IEEE, pp.1-10.

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however,

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will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Maikhanh Nguyen whose telephone number is (571) 272-4093. The examiner can normally be reached on Monday - Friday from 9:00am – 5:30 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon can be reached on (571) 272-4136.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MN

William S. Bashore
WILLIAM BASHORE
PRIMARY EXAMINER
8/5/2005